

To: Laidlaw, Tina[Laidlaw.Tina@epa.gov]
From: Guy Alsentzer
Sent: Mon 11/10/2014 3:23:06 PM
Subject: Re: Final Numeric Nutrient Rule Pkg

Hi Tina -

We just got our first snow of the year in Bozeman - hope everyone is likewise battening the hatches in Helena!

Sending this note to inquire if EPA has received MT's numeric rule package. I'm a bit confused as to the procedural ramifications of this pendant period where the state has approved its numeric nutrient rule package but EPA has not. Case in point, I'm reviewing a state MPDES permit whose proposed effluent limitations are apparently derived in part from the new numeric rules. However, to my understanding EPA has not yet approved the rule package and as such the rules are not yet binding.

The outstanding question here being at what time can the state use these new rules; my reading of relevant CFRs was that the rule package is effective upon R8 approval as new WQS and a variance scheme are changes to delegated state programs first requiring regional EPA approval.

Has R8 received the rule package, and if so is there a comment period for you folks? If R8 has no yet received or acted on the rule package, can you check with folks in your office as to the scenario I've described above?

Cheers-
GA

Guy Alsentzer, Esq.
Upper Missouri WATERKEEPER® | Executive Director
Upper Missouri Waterkeeper, Inc. | P.O. Box 128, Bozeman, Montana 59771
406.570.2202 | Guy@uppermissouriwaterkeeper.org
www.uppermissouriwaterkeeper.org



*To remind us all to Remember our Rivers in every decision we make;
And to hold our elected officials accountable to do the same.*

On Aug 5, 2014, at 4:48 PM, Laidlaw, Tina wrote:

Guy,

Hope you're having a good summer. Mine is flying by too fast.

We haven't received MT's final nutrient rule package yet. The July 2014 rule language, which I think is the final version, can be found on MTDEQ's website:

<http://deq.mt.gov/wqinfo/Standards/default.mcp>

4th bullet down: Numeric Nutrient Standards Circulars and Guidance

We'll be sure to keep you in the loop.

Tina

From: Guy Alsentzer [mailto:guy@uppermissouriwaterkeeper.org]

Sent: Tuesday, August 05, 2014 3:35 PM

To: Laidlaw, Tina

Subject: Final Numeric Nutrient Rule Pkg

Hi Tina!

Hope this message finds you well and enjoying a great Montana summer.

Reaching out to ask if you would fwd me the final numeric nutrient rule package version that was passed by BER and DEQ and, I would assume, is currently being reviewed by R8. I'm interested in seeing changes, if any, made from the draft version on which stakeholders commented. I've asked George Mathieus to do so but had no response as yet.

Likewise, if you would please make a note to keep me in the loop as to R8's response to the rule pkg I would greatly appreciate it.

Cheers-
GA

Guy Alsentzer, Esq.

Upper Missouri WATERKEEPER® | Executive Director

Upper Missouri Waterkeeper, Inc. | P.O. Box 128, Bozeman, Montana 59771

406.570.2202 | Guy@uppermissouriwaterkeeper.org

www.uppermissouriwaterkeeper.org

<image001.jpg>

If you are not the intended recipient of this email, you must delete it and notify the sender. This email may contain attorney work-product and privileged information.